



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
KAR 505 1:170**

**CHAPTER: Prison Rape Elimination Act of
2003 (PREA)**

**AUTHORITY: KRS 15A.065; 28
C.F.R 115; 28 C.F.R. 115.317; 28
C.F.R 115.376**

SUBJECT: Personnel Procedures

POLICY NUMBER: 902

TOTAL PAGES: 4

EFFECTIVE DATE: 04/04/14

APPROVAL: A. Hasan Davis, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall conduct background checks for DJJ staff, applicants, volunteers, interns, and contractors and explicitly indicate the prohibitions for employment or service with DJJ in accordance with the Prison Rape Elimination Act of 2003 (PREA).

II. APPLICABILITY

This policy shall apply to all DJJ staff, applicants, volunteers, interns, and contractors.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ shall maintain and facilitate personnel procedures to ensure that current staff, newly hired staff, volunteers, interns, and contractors have cleared all background checks required by this policy before having contact with juveniles under the custody, care, and supervision of DJJ.
- B. DJJ shall conduct the following background checks on all DJJ staff, volunteers, interns, and contractors and any applicant that is being considered for employment with DJJ:
 1. Criminal background or records check;
 2. Sexual offender registry check; and

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 2 of 4
--	---	-------------------------------------

3. Child abuse and neglect registry check.
- C. DJJ shall conduct background checks on all DJJ staff, volunteers, interns, and contractors every five (5) years, or sooner, if DJJ is made aware of a criminal offense that may have been committed by an employee. Any DJJ employee that refuses to cooperate and does not sign a release for the completion of a background check upon request, shall be subject to disciplinary sanctions up to and including termination or dismissal.
 - D. DJJ shall conduct any necessary screenings, for applicants or newly hired staff, to verify that the individual qualifies for employment.
 - E. A newly hired employee, volunteer, intern, or contractor shall not interact with or have access to juveniles in the custody, care, or supervision of DJJ without the supervision of a qualified DJJ staff, until the Personnel Branch has cleared the individual to work with juveniles.
 - F. DJJ shall not permit a volunteer, intern, or contractor to work in a DJJ facility or office if a background check shows an offense that makes the volunteer, intern, or contractor ineligible for employment with DJJ, pursuant to this section or Section H of this policy. DJJ shall not hire, promote, or transfer into DJJ as an employee, or use as a volunteer, intern, or contractor:
 1. Any person who has engaged in sexual abuse or sexual harassment in a prison, jail, community confinement facility, juvenile facility, or other institution;
 2. Any person convicted of engaging in or attempting to engage in sexual activity by force, implied threats of force, coercion, or if the victim did not consent to or was unable to consent or refuse;
 3. Any person who has been civilly or administratively adjudicated to have engaged in sexual activity by force, overt or implied threats of force, coercion, or if a victim did not consent or was unable to consent or refuse; or
 4. Any person who is the identified perpetrator in a sexual harassment matter and was found to have committed sexual harassment in their employment history.
 - G. An applicant, volunteer, intern, or a contractor considered for employment or services, after October 1, 2013, for DJJ, shall be automatically disqualified as an applicant for hire or service if DJJ receives a background check for that respective individual that indicates a conviction for any of the following:
 1. Any sex related offense under KRS Chapter 510;
 2. Any violent offense referenced in KRS 439.3401;
 3. Sexual exploitation of minors under KRS Chapter 531;

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 3 of 4
--	---	-------------------------------------

4. Any crime involving the same conduct as the criminal conduct in one (1) through three (3), but for which the conviction occurred in another jurisdiction;
 5. Domestic violence;
 6. Human trafficking;
 7. Drug trafficking within the past eight (8) years;
 8. Conspiring to traffick drugs within the last eight (8) years;
 9. Drug possession within the last eight (8) years;
 10. Drug cultivation within the last eight (8) years;
 11. Drug manufacturing within the last eight (8) years; and
 12. Any embezzlement related offense with in the last eight (8) years.
- H. All new hires and transfers into DJJ and all promotions within DJJ shall be subject to the background and reference check outlined within this policy. Any person with a confirmed sexual harassment finding shall submit documentation and additional information regarding the sexual harassment matter and the file shall be reviewed by the Commissioner or designee of the Commissioner, the Director of Administrative Services, an attorney from the Office of Legal Services, the Personnel Branch Manager, and the Agency PREA Compliance Officer to determine the best interest of the agency regarding the hiring or transfer of this person within DJJ.
- I. Employment reference checks shall be conducted for individuals that are considered new hires or individuals being transferred into DJJ.
- J. DJJ shall make a good faith effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or resignation during a pending investigation of an allegation of sexual abuse.
- K. If a background check indicates that a current DJJ employee has committed an offense that prohibits employment pursuant this policy, the Personnel Branch Manager, the Agency PREA Compliance Officer, and the Commissioner or designee shall convene a case conference to determine the appropriate disposition for that employee.
- L. Staff shall be subject to disciplinary sanctions up to and including termination or dismissal for any violation of the PREA policies.

V. STAFF TRAINING

- A. The Agency PREA Compliance Officer or the Personnel Branch Manager shall train personnel staff to conduct background checks.

POLICY NUMBER DJJ 902	EFFECTIVE DATE: 04/04/14	PAGE NUMBER 4 of 4
--	---	-------------------------------------

- B. The Personnel Branch Manager or designee shall train personnel branch staff on the procedures for facilitating the reference check process.
- C. The PREA trainer from the Training Branch may also provide training regarding this policy.

VI. MONITORING MECHANISM

- A. The Personnel Branch and Agency PREA Compliance Officer or designee shall verify that background checks are completed in accordance with this policy.
- B. The Agency PREA Compliance Officer or designee will conduct an annual audit to monitor compliance regarding this policy.